

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

February 28, 2011

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **February 28, 2011**, at 7:57 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlnknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from a Special Meeting of Council held January 4, 2011; Public Hearing on Bill Number 10-44, and a Regular Meeting of Council held January 24, 2011.

It was moved by Council Member Steve Davis and seconded by Council Member Schurlnknight to **approve** the minutes as presented.

Chairman Daniel Davis: "Are there any additions, deletions or corrections to any of these minutes?"

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Yes, Sir; Mr. Callanan."

Council Member Callanan: "I just have a question with regards to the meeting of the 4th. When a person has the floor, and this kind of goes back to those February 22nd meetings where we're trying to get some comments on record that were – either never existed or what have you, but it shows that the person who had the floor at the time made a side comment. Do we – is that

what we're doing now, if it's not meant to be on the record, we're not putting it on the record? I just – this was on a – the pages aren't numbered – oh yeah, Page 33. You know, that's – it's more of a question on how meetings, how minutes are formed or are created."

Ms. Barbara Austin, Clerk of Council: "Mr. Chairman."

Council Member Callanan: "Yes."

Ms. Austin: "May I explain that?"

Council Member Callanan: "Yes."

Chairman Daniel Davis: "Yes, Ma'am."

Ms. Austin: "If the person does not have the floor, and the system picks up a comment, it is described as a side comment, and most of the time, it's inaudible."

Council Member Steve Davis: "I think, I'm guilty of that, if I look at the minutes."

Council Member Callanan: "So, ok, so my last question is because it's issue with regards to the 22nd minutes a year ago are still out there then, wouldn't that rule, same rule apply?"

Chairman Daniel Davis: "I'm not, I'm not sure what your question is. The..."

Council Member Callanan: "You know, I just..."

Chairman Daniel Davis: "I think, I think, she writes down, or they write down everything that is said, whether – as best they can determine."

Council Member Cathy Davis: "That's not what she just said."

Ms. Austin: "We transcribe every word, but please understand if the person does not have the floor – when Mr. Callanan is speaking, if Mr. Steve Davis were to make a comment, it would be described as a side comment. Does that make sense?"

Council Member Steve Davis: "It makes a lot of sense."

Council Member Callanan: "Ok, can I..."

Ms. Nicole Scott Ewing, County Attorney: "Mr. Callanan?"

Council Member Callanan: "Yes."

Ms. Ewing: "I think, I understand your question. Your question is basically everything that's on the microphone, does that get written down..."

Council Member Callanan: “Well, I just...”

Ms. Ewing: “Or is it just what’s – the official person who officially has the floor?”

Council Member Callanan: “Well, what concerns me is that there seems to be two sets of rules here with regards to side comments. Side comments that are not meant to be on the record made by someone in the controlling majority seem to be put on there as side comments. Side comments by someone not in the controlling majority seem to go to SLED, and that’s what concerns me. I just, I, I think the same rules need to be applied uniformly with everybody on Council. And, that being said, I agree with the Clerk’s opinion that if it was, if there was not someone who had the floor at the time, it should not be included in the record, and I’ll leave it at that. So, I agree with these minutes.”

Council Member Steve Davis: “If you want to send my side comment to SLED, go right ahead.”

Chairman Daniel Davis: “The reason...”

Council Member Callanan: “Foul language, actually.”

Chairman Daniel Davis: “The reason that the tape was sent to SLED was just because we understood they could clean it up, and we could have a better understanding of what was said, but it had nothing to do with who – it has nothing to do with anything other than trying to get the comments on the record.”

Council Member Callanan: “But, the point was just made that if the person we were talking about did not have the floor at the time, it should have just been called a side comment, like it was here. That’s the point I’m making. You’re creating two different sets of rules based on who makes the comment.”

Chairman Daniel Davis: “Oh, I’m not creating anything. I don’t have anything to do with how the minutes are recorded or prepared, Mr. Callanan. That’s the Council’s responsibility.”

Council Member Callanan: “Ok; I just, I mean, the way I see it being applied here is it just seems to not be uniform.”

Chairman Daniel Davis: “Then, the thing you need to do is to change the way we do it. We keep minutes unlike other jurisdictions. You know, we do verbatim minutes, and that was discussed, and there was an opportunity not to have verbatim minutes. You know, there are many public bodies that just have a capsule paragraph about what took place, and then it usually says just general discussion and only points out the specific comments that are pertinent to the issue. So, we can do it different ways, but this is the way that Council has it done, I guess, has always done it, and if you want to change it, that’s fine.”

Council Member Callanan: “No; no; it’s – well – just let me issue a correction. It’s not the way it’s always been done. This was changed last year with regards, and, you know, I think, to address these same minutes that I’m talking about, and we are the only county, it’s my understanding from the Association of Counties, that does verbatim minutes. It’s very laborious, and if there’s audio, you know, I don’t see what the point is. But, that being said, if people vote on these minutes and determine them to be accurate, then they are, essentially, agreeing, I think, with the point that any comment made by a person who is not – who is not recognized is considered a side comment. And, I agree with that 100 percent. So, I say, we just move ahead with the vote here.”

Ms. Ewing: “Mr. Chairman, may I clarify, please?”

Chairman Daniel Davis: “It is my understanding from working with the Clerk’s Office over the past year regarding the minutes, although, I’m not involved in their day-to-day operations, that they record, ever since the verbatim rule came down, they record everything that they hear. If they can’t hear it, it doesn’t get recorded. If I step back from the microphone like this, and they can’t hear me, they are not going to record it, but if I stand over here, and say Kace, you have nice hair, and they hear it, they are going to write it down. That’s not how you have been doing it, Ms. Barbara?”

Ms. Austin: “That’s not exactly true. If the person has the floor, and I think this is where the confusion is coming in, if the person has the floor, and I am debating an issue, and Melissa says something, that is a side comment. She doesn’t have the floor. But, just for information, the minutes in Berkeley County were done in what is described as proper format as only action taken was recorded in the minutes until March of 2010. At that point, someone made the motion to a, to a, that minutes a, be a, verbatim, and they have been verbatim, except for those side comments or often times it’s inaudible, and we also type in inaudible.”

Council Member Call: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Call.”

Council Member Call: “It seems that I recall that we voted to record the minutes verbatim, what was ever on the recording, with no exceptions. That was my understanding of what we voted for. Nothing was said about who had the floor or anything else. It was verbatim, what was on the recording that the Clerk transcribed.”

Council Member Steve Davis: “And, Mr. Chairman, I just want to piggyback – it had no reference to majority, minority, and all that kind of discussion. You spoke, and it was recorded verbatim.”

Ms. Austin: “I just have one question. If we are to understand that every word is to be transcribed then please so instruct us.”

Council Member Steve Davis: “Madame Clerk, I promise you, we’ll, we’ll discuss it with you, I promise.”

Council Member Call: “We made that very clear, I thought. There was nothing said about who had the floor or anything else. It was strictly verbatim, period. Thank you, Mr. Chairman.”

Chairman Daniel Davis: “Ok; any other questions or comments?”

The motion passed by majority voice vote of Council. Council Member Fish abstained from voting. (Signed request for abstention is on file.)

PUBLIC DISCUSSION

Public Discussion commenced at 8:06 p.m.

Chairman Daniel Davis: “Ms. Linda Riney?”

Ms. Linda Riney: “Good evening; my name is Linda Riney. I live at 2052 Highway 311 in Cross...”

Council Member Callanan: “A point of privilege. I can’t – I can’t hear, because we’re having a conversation over here. Ok; thank you.”

Ms. Linda Riney: “I’ve been listening very closely this evening about the people who have come up and requested funding like the, the Public Defender’s Office, and a lot was made about, you know, times are really tough now, and, and we just can’t afford this \$50,000 or \$60,000, whatever, because time, times are really tough, but we can afford to spend 1.6 million dollars on a piece of land that we only need seven acres to build the Dan Davis Health and Human Services Campus, and we’re gonna speculate and have the other land there that we’re gonna sell it later. How long has the fairgrounds been sitting there for sale. We never will get our money back. I would think with people watching television, seeing what’s going on in other countries, even seeing what’s going on with the state governments in our country – look at South Carolina the way they’re having to cut, because we are out of money. And, you people are spending money like a drunken sailor. The only difference is the drunken sailor is spending his own money, and you people are spending ours. And, I don’t understand how you can sit there and say it’s a good idea to spend in excess of twenty-two million dollars, three and a-half million dollars on St. Stephen’s new courthouse, just because the courthouse up there is not as nice as the one in Goose Creek. Don’t y’all realize that the wolf is at the door? Look at the price of gas that we’re having to pay. Pretty soon these people out here are not gonna be able to afford to go to work, even if they do have a job. We need that twenty-nine percent of our tax relief back. We need for y’all to stop raising taxes and fees and everything every time you turn around, because the money is gone, and we cannot eat that campus, when, when, actually, when the bottom falls out of this economy like all of the people who know about all these things are saying. They’re warning us every day. We’re going broke. Thank you very much.”

Chairman Daniel Davis: “Thank you. Bill Bates?”

Mr. Bill Bates: “Good evening; my name is Bill Bates. I live at 132 Harrow Place in Goose Creek. I want to thank you all for the work that you do. I want to thank the Solicitor’s Office for the work that they do. And, I take umbrage to the drunken sailor, cause I was one; ok; I spent 26 years, and out of that 26 years, I probably spent five and a-half of it or six years of it locked up in a submarine underneath the water, so we could take care of this country. And, I didn’t get a chance to kick the can down the road, but I did probably kill a lot of brain cells by a lot of crap that I breathe. And, sometimes I get a little upset, because I feel like I’m breathing the same kind of thing when I walk in here. And, what I want to speak about tonight is, specifically, about this 1.6, which is the beginning for this campus business. I’ve listened to someone present a case for check kiting that protects the little guy that’s gonna pay for half of itself the first year, and probably pay for itself from then on, and oh, no, we can’t, we can’t, that start-up costs are too much money, right? We spent over \$10,000,000 on a jail that is yet to be open, is yet to be staffed, because we don’t have the money to staff it. You gotta have 30 people for the staff, and we’re talking about, as a minimum at \$9.00 an hour. That works out to about \$800,000 a year, and that’s probably closer to a million a year added to the budget, and that doesn’t include the utilities or the benefit packages that go along with it. We’ve got water in the County, and three or four other different places. I’ve heard as low as 20,000 gallons a day, up to 46,000 gallons a day, they were dumping in the ditch that we’re paying money for every month. You know, I pay my water bill, and I’m paying this water bill too, but yet, we can take and obligate 1.6 million dollars to build facilities that are already existing somewhere, new facilities, then we’re gonna tear down the other facilities from the other place, refurbish those, and build new facilities. You know, I – in Goose Creek, you guys are looking for a building, in Goose Creek, the Food Lion right there in Goose Creek has been closed for years. That’s a huge building. I just don’t understand that. Thank you.”

Chairman Daniel Davis: “Thank you. Terry Hardesty?”

Mr. Terry Hardesty: “My name’s Terry Hardesty. I live at 325 West Main Street in Moncks Corner. Good evening, Supervisor Davis, Council Members. I come before you as a real estate agent, a realtor, and I’m very concerned about the process that you’re using to purchase the old fairgrounds. I understand you need seven or eight acres. The property’s about sixteen acres. The price is 1.6 million dollars. That’s the asking price from the seller from what I understand. I understand you’re using the seller’s appraisal. I would admonish you that a, the appraisal, from what I understand, uses a lot of for sale properties as comparisons, and people in the appraisal business will tell you that’s not – you need some solds, because anything that’s active on the market would be the upper range of the market, not the middle of the market. I would admonish you not to pay full price for property in this market. I don’t care what you’re buying or where. Unless it’s a very unique piece of property like the large Boeing Plant where you need that many acres, I, I, I just don’t understand it. Have you talked to the sellers about dividing the area you need off of it and only purchasing that piece of property? And, at \$100,000 an acre, I think, it’s probably about 30 percent overpriced based on what I know about the real estate market here. So, I would encourage you to spend \$2,000 if you’re intent on buying this property, and go obtain your own appraisal, and I think you’ll save yourselves a lot of time and headache. Thank you.”

Chairman Daniel Davis: "Thank you. Truman Metts?"

Mr. Truman Metts: "Thank you Council. I'm Truman Metts, at 512 Division Street here in Moncks Corner, South Carolina. Vice Chairman Davis stole my thunder, but I tell you, depending on the vote in a few minutes, I vote him as Councilman of the Month. We heard the Solicitor and others talk about the economic situation. We heard some of you, Mr. Davis, Mr. Pinckney and others, speak about the economic situation of the County, which, in my opinion, is totally different than that of Mr. Dan Davis that painted the picture of the calming economic seas for the County. So, mine is very short, and I'm gonna read what I've written, but I do need to change it. Your vote tonight to purchase the old fairground property is none other than an administrative process that consummated the decision made by Supervisor Davis months ago. It is simply a desire or wish of Mr. Davis that has nothing to do with the prioritization of urgent needs of the County and its citizens. It's another demonstration of Mr. Davis and some Council Members total fiscal irresponsibility. In my opinion, when buying a piece of property is more urgent or important than paying the County's debt of over \$2,000,000 in employee benefits to include the retirement fund, that's very demeaning to these employees of the County. And, if you remember, I am a retired, 40-year HR professional, and you just don't do that, and stand by citizens, because if they do approve it, you're gonna have a tax increase. I'm here to tell you, so I have trouble understanding how you, Council, can sit there behind your desk, get paid approximately \$1,000 a month, look our citizens in the eye, and in a few minutes, I'm all but certain you're gonna vote in favor of buying the property and moving on with the campus, but yet we could write a check tomorrow, I'm convinced, for \$2,000,000 and pay the state. We don't want the state to cut off our funding, what about the state getting the funding that they deserve from our County. So, please consider those things. And, the rhetoric that came from Council and your acts, we'll see in a few minutes, ladies and gentlemen, whether it's rhetoric or they put their action where there words are. Thank you."

Chairman Daniel Davis: "Thank you. Barbara Bates?"

Ms. Barbara Bates: "Barbara Bates, Goose Creek, 132 Harrow Place. Something for all of you that into the mikes, it's hard to hear you out here. If each one of you would lean into the mike, I would really appreciate at. I can barely hear Mr. Fish, Mr. Pinckney, and it's very hard to understand you, so I would appreciate your speaking into the mike. And, transparency, Mr. Schurlknight, we thought that you were going on with this at the meeting in Goose Creek. Mr. Davis was, you know, has anybody talked to you? You asked the question if anybody had spoke with you about using the system to record the meetings, and we thought you were gonna go on with it, and at the last meeting, you acted like, you know, it's Cathy Davis' fault, she hasn't done anything. She's done her research, and you wouldn't even let her bring it up. I don't think that's right."

Chairman Daniel Davis: "Thank you."

Public Discussion concluded at 8:19 p.m.

At this time, I wanted to recognize Bob Call. He had a presentation for Water and Sanitation, I believe.

Council Member Call: “Ladies and gentlemen, Jerry Crolley is the Safety Specialist at the Water and Sanitation Authority. For the third year in a row, the Berkeley County Water and Sanitation Authority is a proud recipient of the Sustained Excellence in the Risk Management Award presented by the South Carolina Association of Counties and the Berkeley County Water and Sanitation officials receive this award in January in Myrtle Beach. This award is given to counties who have made momentous achievements in their safety and risk management programs, which leads to lower workers’ compensation costs. Over the past four years, Berkeley County Water and Sanitation Authority has reduced their experience modifier from 1.96 to .88, resulting in a \$100,000 savings in workers’ compensation premiums, not to mention the safety improvements, cost of human suffering, medical expenses, etc. So, Gerry, I’d like to present this plaque to you from the South Carolina Workmen’s Compensation Trust in honor of your hard work, and keep up the good work. Keep our employees safe, and keep our premiums low. Thank you so much.”

[applause]

EXECUTIVE SESSION – none

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

There were no bills for Third Reading.

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

There were no bills for Second Reading.

Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.

FIRST READING:

“BILL NO. 11-01, AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ORDINANCE NO. 01-08-35, THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, TO PROVIDE FOR THE REGULATION OF BUILDING AND STRUCTURE HEIGHT WITHIN THE RESIDENTIAL, RURAL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS.”

“BILL NO. 11-02, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #202-00-00-011.”

(William D. Farrior, IV)

“BILL NO. 11-03, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND NEW BREED LOGISTICS OF SOUTH CAROLINA, LLC, AND MATTERS RELATING THERETO.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2010-2011 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Schurilknight and seconded by Council Member Pinckney to **approve** the **resolution** providing for a transfer of funds in the 2010-2011 Budget for Berkeley County.

Chairman Daniel Davis: “Any discussion?”

Council Member Steve Davis: “Yes; I want to know, specifically, what money we’re talking about.”

Chairman Daniel Davis: “That was...”

Council Member Steve Davis: “You talking about resolution transfer in the 2011 budget?”

Chairman Daniel Davis: “Kace, can you...”

Council Member Fish: “The JAG Grant and Cypress Gardens.”

Chairman Steve Davis: “Huh?”

Council Member Fish: “The JAG Grant and Cypress Gardens.”

Ms. Kace Smith, Deputy Supervisor and Finance Director: “You all should have received a copy in your packet. These are items that were addressed previously this month. One of them was to budget the Sheriff’s Department JAG Grant, in the amount of \$64,219.00...”

Council Member Steve Davis: “I thought that – I didn’t mean to cut you off – I thought that was federal dollars. We gotta match that money?”

Ms. Smith: “Well, we’re just putting the budget in. No; there is no match, so it’s no County dollars that will be used for that. And, the other item was to budget for some additional renovations at Dean Hall...”

Council Member Steve Davis: “Yeah; I recall that, but I thought...”

Ms. Smith: “The Cypress Gardens Place, Ms. Dangerfield is...”

Council Member Steve Davis: “We’re gonna put in \$10,000.”

Ms. Smith: “Yes, so no additional County dollars will be used for that.”

Council Member Steve Davis: “Ok; ok.”

There was no further discussion.

The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 11-04 is attached to these minutes.)

“RESOLUTION CONGRATULATING THE CHARLESTON BATTERY SOCCER CLUB.”

It was moved by Council Member Callanan and seconded by Council Member Fish to approve the resolution congratulating the Charleston Battery Soccer Club. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 11-05 is attached to these minutes.)

“RESOLUTION DESIGNATING SURPLUS PROPERTY OF BERKELEY COUNTY WATER AND SANITATION AND AUTHORIZING THE SALE OF SURPLUS PROPERTY.”

It was moved by Council Member Steve Davis and seconded by Council Member Schurilknight to approve the resolution designating surplus property of Berkeley County Water and Sanitation and authorizing sale of same. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 11-06 is attached to these minutes.)

“RESOLUTION PROVIDING THAT UNDER CERTAIN CONDITIONS, BERKELEY COUNTY WILL ENTER INTO AN AGREEMENT, PURSUANT TO TITLE 12,

CHAPTER 44, OF THE CODE OF LAWS OF SOUTH CAROLINA WITH NEW BREED LOGISTICS OF SOUTH CAROLINA, LLC.”

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve** the **resolution** providing an agreement between Berkeley County and New Breed Logistics of South Carolina, LLC. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 11-07 is attached to these minutes.)

PROCLAMATIONS

“PROCLAMATION DECLARING MARCH 2011 AS THE BERKELEY READS 2011 READING PROGRAM.”

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to **approve** the **proclamation** declaring March 2011 as the Berkeley Reads 2011 Reading Program. The motion passed by unanimous voice vote of Council.

“PROCLAMATION RECOGNIZING THE OUTSTANDING ACCOMPLISHMENTS OF JOHN ALBERT MEYER, III.”

It was moved by Council Member Farley and seconded by Council Member Steve Davis to **approve** the **proclamation** recognizing the outstanding accomplishments of John Albert Meyer, III. The motion passed by unanimous voice vote of Council.

REPORTS FROM STANDING COMMITTEES:

Committee on Finance

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: “Mr. Chairman, the Finance Committee met earlier this night. Several of the matters before the Committee have been addressed earlier on this night’s agenda.”

a. Fraudulent Check Collection/Service of Warrants

Chairman Schurlknight: “On recommendation of the Committee, I move to hold the fraudulent check collection and service of warrants to be as presented by the Solicitor’s Department until some comparative information can be provided.”

b. Indigent Defense Funding

Chairman Schurlknight: “Also, on recommendation of the Committee, the Public Defender’s request will be considered in the upcoming budget.”

c. Transparency Committee

Chairman Schurlknight: “Mr. Chairman, the Transparency Committee will have a report for us at a later date.”

d. Real Property Services Position

Chairman Schurlknight: “On recommendation of the Committee, I move to fund the Real Property Service Deputy Director position for the best – for the rest of the fiscal year.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

Council Member Cathy Davis: “Mr. Chairman?”

Chairman Daniel Davis: “Ms. Davis.”

Council Member Cathy Davis: “You left off the last one, Sangaree Special Tax District...”

Council Member Steve Davis: “Position.”

Chairman Daniel Davis: “No.”

Chairman Schurlknight: “I’ll come back to that one. It must be with this other sheet.”

e. Sangaree Special Tax District Position

Chairman Schurlknight: “Also, on recommendation of the Committee, I move to upgrade the Administrative Clerk III, C-07, position, to a Skilled Tech IV, CT-7, and to downgrade the Skilled Tech I position, C-16, to Maintenance Service Tech III, C-10.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

Ms. Ewing: “Mr. Chairman, I believe that was the Sangaree Special Tax District position item that you just read.”

Chairman Daniel Davis: “The last one was the Sangaree.”

(That concluded Chairman Schurlknight’s report.)

Committee on Land Use

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: “Mr. Chairman, the Committee on Land Use met on February 14th, and all the matters before the Committee have been addressed earlier on this night’s agenda.”

(That concluded Chairman Farley's report.)

**Committee on Public Works and Purchasing
Council Member, Mr. Caldwell Pinckney, Jr., Chairman**

Chairman Pinckney: "Mr. Chairman, the Committee on Public Works and Purchasing met on February 14th, and earlier of this night."

a. Dean Hall Renovations

Chairman Pinckney: "On recommendation of the Committee, I move to approve the transfer of \$10,000.00 from Performing Arts to Construction Service, 5305, to complete renovations at Dean Hall." *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Landfill Road Resurfacing and Convenience Center Paving

Chairman Pinckney: "Also, on recommendation of the Committee, I move to award the contract for the Landfill road resurfacing and Convenience Center paving to Austin Construction Company." *(No second required.)*

The motion passed by unanimous voice vote of Council.

c. Surplus Vehicles and Equipment (by Resolution)

Chairman Pinckney: "On recommendation of the Committee, I move to approve the sale or auction of the Water and Sanitation surplus vehicles and equipment." *(No second required.)*

The motion passed by unanimous voice vote of Council.

**d. 1. Variance/Waiver of Development Standards:
Westminister Heights, Goose Creek**

Chairman Pinckney: "On recommendation of the Committee, I move to approve the request for a variance/waiver of development standards – Westminister Heights, Goose Creek." *(No second required.)*

The motion passed by unanimous voice vote of Council.

**2. Variance/Waiver of Development Standards:
Jacob's Cove, Moncks Corner**

Chairman Pinckney: “Also, on recommendation of the Committee, I move to approve the request for a variance/waiver of development standards – Jacob’s Cove, Moncks Corner.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

e. Purchase of Property for Health and Human Services Campus

Chairman Pinckney: “On recommendation of the Committee, I move to approve the purchase of the fairground property for the Health and Human Service Campus for 1.6 million dollars.” *(No second required.)*

Chairman Daniel Davis: “We have a motion. Is there any discussion?”

Council Member Fish: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Fish.”

Council Member Fish: “I will go on record to oppose that. We’ve had a lot of discussion this evening about money we need everywhere else. I agree with that. Number 2 is, I think, that there’s an issue about the correct appraisal of that property. I don’t think we’ve been treated fair with that. I think, at this time, it’s not prudent in our case to move forward. We’re tight on money everywhere else. I don’t think that – we’re still looking for a return call from some other people who may offer us a better price at a local area. Number 1, this budget, I think, or last year, the current budget’s under spent. I haven’t seen any financials now for a number of months. I no longer get those. And, last budgets we had under spent. The issue came up tonight talking about the Sheriff’s Department. We need 30 people. You know, I think everybody knows, last year, the budget was under spent by elected officials – almost \$900,000. That jail has been in place for two years. It’s going to open. The contracts or the guarantees and the work is done. It’s going to expire, and we’re gonna be stuck with that. I don’t think it’s a good time for us to be spending money on speculative land purchases again. I think, I agree with somebody who stated that before. If we need five acres, we buy five acres. For us to speculate, I don’t think it’s a good time. I would make a strong recommendation we delay this for one month, give us a chance to take a look at some alternatives for that, and see if we can move forward.”

Chairman Daniel Davis: “Thank you, Mr. Fish. I want to take an opportunity to just talk a little bit about this purchase of the fairgrounds, because I think there’s some misinformation out there. First of all, this is not – this is not a knee-jerk reaction to anything. Four years ago, the County paid \$100,000 to a consultant, an engineering architectural firm that does this for a living to look at our space needs in the County over the next 15-20 years. And, one of the recommendations, and the Number 1 recommendation that they presented us with was the development of a health and human services campus, because we are running out

of room in some of our buildings, and we're going to have to address those needs. One of the most prominent ones is the fact that we need room at the Court House. Well, the reason that we're – one of the purposes of purchasing this property is the ability to move the Health Department, which will open that building for Court-related functions, and we will re-cycle that building, rather than build a new one. So, we're – you know, people criticize government all the time for doing things without a proper plan, and in this particular case, when we go to the trouble to do a proper plan and then we follow it, now there's push-back from that, and I don't really understand that. I think we would be, I think we would be negligent if we did not pursue the plan that we paid so much money for. Now, you can argue all day long about the decision to buy this property, and it is more property than we need. What we intend to do is the County intends to use the worse part of the property for its buildings and put the best part of the property back up for sale. And, hopefully, that will happen within a short period of time. It may take awhile, but I think we all agree investing in real estate is typically not that risky a venture. So, that's the reason that site was picked. The other consideration for the site was that we need to have it situated in an area where public transportation can serve it. That's why we picked an area in town. That's where most of the clients are. I don't know how the votes gonna go, but you need to understand this is not, this is not a knee-jerk reaction. This is, I think, very well thought out, and I think it shows that the County is planning very well. But, be that as it may, we'll move on. Are there any other..."

Council Member Fish: "Can I make one more comment to that. Well, I agree with you, and we did spend a lot of money four years ago; however, everybody would recognize four years ago, we were in a whole lot better shape and so was the country and the county. All I'm asking right now, we delay this a little bit until we're better financially stable to do that. We've got to many other requirements coming down that, you know, with the – we heard two requests tonight that are critical, this jail thing is coming up, it's critical. I don't know how we're gonna fund it. I'm just asking that we put it off and, maybe, look at some other alternatives that have been proposed to us. That's what I'm asking for."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Just let me remind you that the – that Council approved the money for the purchase of this, for this, and sold bonds to do it, and you certainly know that if we don't, if we don't spend that money for the purpose that it was designated, then we're gonna have to put that money on something else, because the money is borrowed. We, we, we really have no choice. But, you know, it amazes me that we start out with a plan that started with the Community Facilities Plan, then we got the results of that, and the entire Council voted to borrow the money and include this in the project, and that's been going on now for four years. So, when we finally get to the end of it, you know, we're going to try to do something different. I just don't understand that."

Council Member Fish: “Lower price; lower price.”

Council Member Callanan: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: “Yeah, and, I think, the, you know, there’s several issues I want to bring up. First of all, you cannot understate the significance of coming up with a plan at the peak of the economy in this country and just simply think that we live in a vacuum and that nothing has changed in the last five – last four years. I mean, you know, people are hurting out there, and I, I think when this plan came out and everybody’s vision was that the County is going to continue and the state is going to continue on their rosy projections, you know, if that were still going in that direction right now, there probably wouldn’t be that much of a problem, but we’re not there now. Things have changed. The economy has changed. And, and the other comment about real estate not being a risky investment, I mean, that nearly brought the country to its knees was real estate investments and the mortgage situation. And, as for the list of creating the projects for the bond, yeah, I agree, we do have to – we would have to come up with a new item to put on there. It’s my view that we should take a look at all of our capital projects. Whether they are funded by the 29 percent or this GO Bond, and reprioritize them. Look at them, and say what is absolutely necessary at this time. It would allow us to essentially use the funds for the projects that are most needed, and free the money up from the 29 percent to give the residents some tax relief.”

[applause]

Council Member Callanan: “As for the issue with regards to, which is another one of my problems, it has to do with due diligence. You know, and it’s not just this project. It is this project. There was a hesitation with regards to the Library land purchase and the Carolina Nursery’s property. Why we are so hesitant to do proper due diligence prior to the purchase of properties – no bank on the planet would accept an appraisal from the seller. No bank on the planet would accept an appraisal from the buyer. You have to have an arm’s length transaction here. You have to – you know, I, I think the best, the ideal procedure would be to actually do three appraisals, and take the middle one. Then, you know you’re getting the best price. And, and, you know, and the other issue is from the information that I’ve seen on here, and I don’t know whether it was incomplete, but it basically said that the seller did an appraisal, we got the appraisal, the Assessor agreed with the appraisal, and then we said yes. Well, you know, we gave the Supervisor authority to negotiate, and that is not negotiating. That’s capitulation. I mean, did we not negotiate? Did we not go back to them and say, no, I think that price is too high; I’m looking out for the best interests of the citizens, and I’m gonna come in lower? I mean, I would think that that would be the process that we would follow. And, the last point is, which I – and this is

going to seem a little out-of-whack, because I'm just, out of curiosity, I was at a meeting of the Aeronautics Commission, and they had mentioned that the purchase of this property, they were told by, by you, Mr. Supervisor, that the purchase of this property was somehow tied into the property owned by the, by the American Legion by the Airport, and if we got this, we'd be able to get a deal on that, and I never even seen the Airport property even mentioned in the negotiations here. So, that last one is kind of a question. I just don't know anything about it. I told them, I'd find out."

Chairman Daniel Davis: "The American Legion, the Moncks Corner American Legion owns the building at the Airport. They are also the majority owner, I guess, of the fairgrounds property, but the two transactions are separate and distinct."

Council Member Callanan: "Ok."

Council Member Steve Davis: "Mr. Chairman?"

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Davis."

Council Member Steve Davis: "Who, who else?"

Chairman Daniel Davis: "Well, I don't know. Did anybody else – Mr. Call?"

Council Member Call: "Mr. Chairman, I would strongly object to the characterization of the, of the appraiser's integrity. Apparently, the objections are coming from people that just do not know what an MAI is, and I've had some experience in that field. They're state licensed, they are very independent, they use the very best information they can, they can get. Sometimes, it's not the best that they would like to have, but it's the best that they can get. They still have to make an appraisal. An MAI is the premier ranking of the member of the Appraisal Institute in the world, and to question these people's independence and integrity is just, it's just wrong. It's completely out of line, and to say that no mortgage bank or nobody would accept an appraiser, appraisal from one or the other parties appraisal is false, because I have ordered many appraisals and presented them to the bank on my behalf, and they were accepted. I have personal experience in that, so I, I would, I wish they would just get off of this stuff about an MAI not being independent and not being honest and not having full integrity. Thank you."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "I'm gonna have to re-back on the minutes to find out when I ever, where myself or Mr. Fish ever questioned anybody's integrity or, or their ability, or their honesty. I never did it, and, quite frankly, I'm offended that you would even make the accusation that I did. Now, on the issue with regards to what is an acceptable appraisal, the issue comes down to arms length transaction. You cannot have – there's no bank – if I'm a company that hires – let's say, I'm an appraisal company, and I want to buy a building. They are not going to accept an appraisal from one of my employees as to the value of the building, because there's not an arm's length there. That's the issue that I'm talking about here. They need independence to determine the value, and especially in this market where we need to take extra due diligence into account to make sure that we are, that we are purchasing the property at the best price, because we are looking out for the citizens here. It's their money. It's not our money. And, that's the point I'm trying to bring up. Never once did I question anybody's integrity, their ability, or their honesty.

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Call."

Council Member Call: "The hypothetical that Mr. Callanan used though, an appraisal company doing an appraisal for their self and presenting it to the bank is certainly a valid hypothetical, but an MAI appraiser is duty bound to not have an interest in the property or whatever he's appraising. And, he, he will not, for fear of losing his state license and his MAI designation, and, I think, Mr. Wilson could verify that that is a tough thing to come by. I learned that myself. I never attained it; I never attained, but, but to use that as a hypothetical, and compare it to this case is just, it's just wrong. It's two completely different things, unless Mr. Callahan can show that this MAI has an interest in that property."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "And I'll just – I'm gonna leave it at this, because I'm not gonna continue arguing down, arguing down – again, an arm's length transaction. Parties with an interest in it, which is an employee of the, of the, of the entity that it's purchasing the property is not an arm's length transaction. That is the point I'm trying to make. You know, if you've got an issue with that, take it up with the, with the Mortgage Banker's Association, because that is the standard that they use, that it has to be an arm's length transaction. You cannot have an interested party issuing the appraisal. It's not questioning anybody's integrity. I am simply saying that that, that that is one of the qualities, qualifications that they have. You know, and, and honestly, you can say whatever you want from now on, because I'm simply, I'm, I'm hanging it up. I'm not responding again."

Council Member Cathy Davis: "Mr. Chairman?"

Council Member Steve Davis: "Mr. Chairman?"

Chairman Daniel Davis: "Ms. Davis."

Council Member Cathy Davis: "Yes, this is in reference to a question that Mr. Callanan asked concerning – did the County try to offer a lower amount other than the 1.6?"

Chairman Daniel Davis: "Well, the, the appraisal, the appraised value of the property was 1.69, and so, they agreed, they discounted it by \$90,000.00..."

Council Member Cathy Davis: "But, did the County..."

Chairman Daniel Davis: "...off the appraised value."

Council Member Cathy Davis: "But, did the County make an offer lower than the 1.6?"

Chairman Daniel Davis: "That, that is – no. As a matter-of-fact, if you want to make an offer lower, you can do that. That is the asking price for the property."

Council Member Steve Davis: "Mr. Chairman?"

Chairman Daniel Davis: "I just want to weigh in a little bit. I'm a little familiar with arm's length transaction, and some of you are in the audience too. You know, if you are purchasing something for your daughter or some instance of family relative, you know, we even got our RMC, you know, court said, you know, that's not an arm's length transaction. But, in this instance, I beg to differ with Mr. Callanan. I differ in that sense that I accept and adopt what Mr. Bob Call talks about. There are occasion when certain professions are such that it exists that with it comes credibility and integrity built in to it. And so, with this appraisal made by this MIA, I think, it's sufficient. And also, we have an Assessor who we, we have to feel like we're paying him sufficiently for what he does. He has a quieter air of expertise in this area, and I think Mr. Wilson does a great job. That's how I weigh in on this instance. Mr. Metts, I apologize. I may lose my County Council Award of the Month in a few minutes, but I think you had a pretty good idea I were, and I'll tell you why I say that, because the people perish when we don't have any vision. Now, yes, we are in some difficult times, and yes, I have made some suggestions today that seem to be fiscal, responsible and I'm always going to be that, but there are some circumstances where we cannot stand still. We can't turn back. And, we went, and we spent \$100,000 when we said we wanted to see how we could project this County in the foreseeable future. And, there are currently over 375,000 children in need in

Berkeley County; 100,000 of them in special needs; 20,000 in the Department of Juvenile Justice. What are you talking about, Mr. Davis? Well, we got to the future to some extent. We can't wait until always the need arise. That's why the Supervisor went forward and had this assessment made. We're talking about four years ago. We went, and we all voted for it. And, I'll vote against any tax increase, I'll tell you that. Yes, I will, I will. But, tonight, I support the purchase of this property, because it's in the best interest of all the citizens of Berkeley County in the long run, and that's my position. Thank you."

Chairman Daniel Davis: "Any other?"

Council Member Call: "One more point, Mr. Chairman."

Chairman Daniel Davis: "Mr. Call."

Council Member Call: "About the MAI – to become an MAI, and I believe Mr. Baggett will verify this, requires several years work under a supervisory appraiser where they review all your work. You get paid peanuts. That's one reason that I couldn't raise a family and become an MAI. So, we have an MAI appraisal, and we have it reviewed by, probably, one of the most qualified MAI's that I've known in some time, Mr. Baggett, and I'm certainly – his credentials are certainly enough to review this appraisal and pass judgment on it and advise us on it, and I'm very confident in what Mr. Baggett has done to, to this issue. He's brought us – the information has been brought to us. He's gone through it in somewhat detail to review it, and it's not an easy process. It ain't a matter of flipping through it, and adding it up on an adding machine. He looks through it pretty thoroughly, and I'm willing to accept his recommendation that the MAI that made this appraisal has done an honest job, and he's lived up to his oath of independence, and that he's done nothing to violate the state law with respect to his license, and that's about all. I mean, I just think it's an arm's length deal, unless somebody can show me, either Mr. Baggett or this MAI, whoever it may be, has an interest in this property. Thank you, Mr. Chairman."

Chairman Daniel Davis: "It, it's a little, it's a little unusual, but because so much has been said that this issue has gotten a little cloudy, and I feel a little bit bad for the sellers of this property who, by the way, are very, very reputable people in our community. It is the American Legion, and I think it's a little bit sad that, that, you know, that, that this is being classified as something other than what it is. So, I would like to offer the opportunity to Mr. Tiencken if you would like to speak on behalf of or any of you other gentlemen."

Council Member Farley: "Mr. Chairman, quick question. Do we know how much wetlands are in there at the property, Wilson? I know there's a big ditch going down the middle of it, isn't there? I'm sorry for interrupting."

Mr. Wilson Baggett, Assessor: "There are no wetlands designations on the property. It is low in a corner on the by-pass frontage. It's a, almost a triangular-shaped piece on the front, from the fence out towards the highway. But, as far as calling it a wetlands..."

Council Member Farley: "I saw it going real low back in the middle, ok."

Mr. Baggett: "It is a little bit low, but in town you have water and sewer, and you can, you can fill."

Council Member Farley: "Thank you."

Mr. Baggett: "Yes, Sir."

Mr. John Tiencken, Attorney: "Thank you, ladies and gentlemen. My name is John Tiencken, and I am an attorney. I represent those, the folks that were just mentioned, the American Legion. There are three huts, three separate organizations within the County that actually share ownership of this particular piece of property, and believe me, most of ya'll that have been on the property as I have since a child, and so, I'm very familiar with the property. If there are any wetlands over there, I'm not familiar with it. The American Legion folks have obtained an MAI appraisal. They did so as you would expect American Legion folks to do. They did it with an honest and simply a desire to know what did they have. They've had a piece of property for many, many years, and they're now at a point in time where they no longer need the property for a fairground, obviously, and so the intent is to try to distribute the property in the right way. And, one of the things that they wanted to do was they wanted to do it in a way that it might benefit someone publicly, and the County, obviously, came to mind. And, that's kind of why they thought about the County as a possible purchaser. They, obviously, are not here to negotiate on a price beyond what they've already negotiated. One of the reasons for that, just so everyone understands, that these are non-profit organizations. These people who serve as commanders and so forth, and they're in the audience with me, of this organization, their responsibility is to also get a fair price for the property, because they represent all the members of the organization. They don't get any money out of that. I think some people seem to think that the American Legion people are going to get something out of it. Nobody gets anything out of that. The American Legion is selling the property, and they are going to use that money for furthering charitable purposes in some way, yet, they're not clearly gonna benefit personally, because that's against the American Legion Code of Ethics, which is, as you can imagine, is very, very strong. These folks are gonna do what they can to accommodate this sale, and certainly worked with the County Attorney, who's been wonderful in the process, and with the Supervisor, and we're happy to answer any questions. I know, there's been some talk about the MAI appraisal. Mr. Moore is an exceptional MAI. Those of you who have been in the real estate business for awhile know that, but outside of that, we have, of course, a 1.4 million dollar

designation placed on it by the County itself as a value. So, the County has put a value, which may or may not be precisely for tax purposes what the value for sale purposes always is, so there's a bandwidth, but it's not a huge bandwidth. And, I guess, we discounted the property down to 1.6 knowing that we too have responsibilities, because we have to sell it to our members as well, and that's what we've done. We've taken it to all of our members and all of our posts, and we've made the recommendation to them with a thorough analysis that this is in the best interest of their posts. So, the folks at Cross, the folks at St. Stephen, and the folks at the Berkeley Post, representing the Moncks Corner Area, have all been through this process of making a decision to sell it, and they've made that decision. And, part of this was a hard process for them, because they've owned it for so long, and so, it's one of those things. I know it's balancing stuff, and I used to be a County Attorney for Berkeley County, and I know these are difficult times, and I know that it's difficult for ya'll to make decisions about this, but I would say as an observation, that sometimes it's best to buy whenever land's cheap. Sometimes, when you've got General Obligation debt, and you got it at pricing, which is very, very attractive, it's best to use that debt in a way that you can build for the future. And, certainly, we're not trying to motivate you to sell something to you or to buy something that you don't want to buy. If you all don't want to buy it, we're fine with that. We'll do something else, but we just wanted you to know that we're here to answer any questions. Our folks are, as a, as, I'm sure all of you know, extraordinarily reputable people. They are, are the best of the best. They are the representatives of our country in foreign wars. They're the people that you all want to make, make sure that they don't feel any, any abuse as a result of what they're trying to do. They don't have any, they don't have any bad intentions. They're just want to do the right thing."

Council Member Fish: "Mr. Chairman?"

Council Member Callanan: "Mr..."

Council Member Fish: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Fish."

Council Member Fish: "A couple questions – Number 1, I'm a Vietnam Air Vet..."

Mr. Tiencken: "Yes, Sir."

Council Member Fish: "I belong to the American Legion. I'm a Legion Rider, along with the Patriot Guard."

Mr. Tiencken: "Yes, Sir."

Council Member Fish: “You won’t find anymore far right patriotic than me. My concern, question is, why, in all the title, all the work that comes back in three individual names. The only time the Legion appears is back, prior to 1978. That’s the confusion. It looks like three people are selling it and not the Legion.”

Mr. Tiencken: “Yes, Sir; and that’s a very legitimate question. Obviously, the Legion as itself is the, are the people who have to approve it. Let me tell you how the ownership is actually structured, Councilman Fish. The ownership is structured as the Berkeley County Agricultural Exposition. It too is a non-profit organization. Its ownership, that is the operating control of that particular agricultural exposition, is by the three posts that I mentioned, St. Stephen, Cross and Berkeley Posts. And, they do that as you would expect to do it, because it’s hard to operate any type of business when you’ve got 100 people trying to tell you what to do. So, they select their commander and others to serve on the Board of the Berkeley County Agricultural Exposition, which then has made a decision to sell. It made a decision to sell only after getting approval from all the other posts. So – but all of that is a non-profit entity. Did I answer that question?”

Council Member Fish: “Well...”

Council Member Callanan: “Mr. Chairman?”

Mr. Tiencken: “Sort of?”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: “Hey, John; how are you?”

Mr. Tiencken: “Fine.”

Council Member Callanan: “The question I have – I mean, I just wanted to bring up a point again. These gentlemen right here have an obligation to their membership to get the highest possible price that they can. Correct?”

Mr. Tiencken: “Fairest fair price. That’s what they’re looking for.”

Council Member Callanan: “My obligation is to the citizens of Berkeley County to make sure that we’re getting a fair price.”

Mr. Tiencken: “Yes, Sir.”

Council Member Callanan: “Just because we are having competing on both sides of the equation does not mean that I am questioning patriots. It does not mean I’m questioning that organization. It just means that I’m doing my job.”

Mr. Tiencken: “And, we absolutely understand that, Mr. Callanan. That’s perfectly understandable. I think what we’ve seen is a sense of – and certainly from our standpoint, I wanted everyone to understand that the posts are the owners. Now, I know there was some talk about the post not being the owners, that some other people involved with this were owners, but the truth is the American Legion Post are the owners of this property.”

Council Member Call: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Call.”

Council Member Call: “Mr. Tiencken?”

Mr. Tiencken: “Yes, Sir, Mr. Call.”

Council Member Call: “John, old, old friend. Are you privy to the way in which this MAI was selected?”

Mr. Tiencken: “You know, I...”

Council Member Call: “Are you certain in your mind that this is an arm’s length appraisal?”

Mr. Tiencken: “Well, first off, it was selected, and I’m gonna have to ask anybody here if they had the direct decision as to who, who actually selected this particular appraiser. I know that they didn’t go in and, as you, well, you certainly have spoken to, but Mr. Call, they didn’t go in and say give us a certain price. They went and said give us what we need to know, and that’s what they did. I don’t think anybody – may I ask a question of these?”

Chairman Daniel Davis: “Sure, go ahead.”

Mr. Tiencken: “Is anybody in our group, do you know this fellow that did the appraisal personally?”

Gentleman in the audience: “No, we don’t – just the company, John.”

Mr. Tiencken: “Yeah; so, it’s, I mean, it’s not that kind of deal. We had to find out what the value was, and that’s what we did. We went and got a good company, and they gave us this fellow who I happen to think has a good reputation, although, I don’t know him personally.”

Council Member Callanan: “And, I, I think – Mr. Chairman?”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: “You know, and I just thought of this way of describing it. If – John, if you’ve ever dealt with real estate transactions...”

Mr. Tiencken: “Sure.”

Council Member Callanan: “And dealt with any property that had multiple appraisals on it, do they always come in at the same price?”

Mr. Tiencken: “Oh, absolutely not.”

Council Member Callanan: “Ok, and so the, so the individual – so that means that either – let’s say you’ve got three appraisals. That either means one person’s wrong and two people – one person’s right and two people are wrong, or three people are wrong. And, the issue I’m bringing up is doesn’t mean that their not capable. It doesn’t mean that they’re not honest. What it means is that there’s always a level of subjectivity to these report, and that, which is why I made the recommendation that you get three appraisals. That’s the only reason why I did it is because you need a range. And, that’s the point I wanted to bring up is appraisals are not a science, and that’s the issue that I have.”

Mr. Tiencken: “I, I think that’s correct. I, I would also say, Mr. Callanan, what we’ve done is we’ve gotten an appraisal to help us understand value...”

Council Member Callanan: “Exactly.”

Mr. Tiencken: “...It is our perception that the property has 1.6 million dollars worth of value. Actually, it came in at 1.69. I think the confirmation that you’ve gotten from your Assessor who has access to all comparable sales and effect and also as an experienced appraiser in himself kind of lends some credibility to the fact that our values are not mistaken and certainly not overpriced. Our, our sense, at least from the Legion’s folks sense is that we’re trying to identify a value that we can justify to our members...”

Council Member Callanan: “Right.”

Mr. Tiencken: “...and that’s what we’ve attempted to do. We hope that’s ok with you, but if it’s not, we certainly understand.”

Council Member Call: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Call.”

Council Member Call: “I would concede to Mr. Callanan that an appraisal is probably not a science, but I have had enough experience with it in the last 50 years to know that it can be objective. And, we keep hearing that we only have one appraisal, and it keeps going back to that same thing, one appraisal. We have

an appraisal by an independent MAI, very well trained, I reckon, he's very well respected. I don't even know what his name is, and then we have a, a review of that appraisal by, probably, one of the best qualified MAI's in this County. So, I would submit that we do have a second opinion. Thank you."

Chairman Daniel Davis: Thank you, Mr. Call. Any other comments or questions?"

Mr. Tiencken: "Thank ya'll for the opportunity to speak."

Chairman Pinckney: "Thank you."

Council Member Schurlknight: "Thank you, John."

Chairman Daniel Davis: "Thank you, John."

The motion passed by majority voice vote of Council. By a show of hands, Council Members Call, Steve Davis, Pinckney and Schurlknight voted "Aye"; Council Members Callanan, Cathy Davis, Farley and Fish voted "Nay". The tie vote of four (4) "Ayes" and four (4) "Nays" was broken with Chairman Daniel Davis voting "Aye".

f. Airport Consultant Contract

Chairman Pinckney: "On recommendation of the Committee, I move to award the contract for the Airport consultant to the LPA Group, Inc., for a three-year contract, with two additional one-year extensions." *(No second required.)*

The motion passed by majority voice vote of Council. Council Member Fish voted, "Nay".

(That concluded Chairman Pinckney's report.)

**Committee on Justice and Public Safety
Council Member, Steve C. Davis, Chairman**

Chairman Steve Davis: "Mr. Chairman, the Committee on Justice and Public Safety met on February 14th."

Approval of a 2010 Edward Byrne Memorial Justice Assistance Grant

Chairman Steve Davis: "On recommendation of the Committee, I move to approve a 2010 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$64,219.00, to be shared with the Public Defender's Office – \$8,000.00; no additional funds required." *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Steve Davis' report.)

Committee on Water and Sanitation
Council Member, Mr. Robert O. Call, Jr., Chairman

Chairman Call: "No report, Mr. Chairman."

(That concluded Chairman Call's report.)

Committee on Planning and Development
Council Member, Mrs. Cathy S. Davis, Chairman

Chairman Cathy Davis: "No report, Mr. Chairman."

(That concluded Chairman Cathy Davis' report.)

Committee on Community Services
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan: "The Committee on Community Services met on February 14th and earlier this night. Some of the matters before the Committee have been addressed earlier on this night's agenda."

Berkeley County Library System State-of-the-Library Report

Chairman Callanan: "Mrs. Donna Osborne, Director of Berkeley County Library System, provided the Committee with the State-of-the-Library Report, and no action was required."

(That concluded Chairman Callanan's report.)

Committee on Human Services
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: "No report, Mr. Chairman."

(That concluded Chairman Fish's report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Chairman Daniel Davis: "At this time, we have an opportunity if there are any recommendations for positions on any of our boards or commissions. Do we, does anyone have any..."

Council Member Farley: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Farley.”

Council Member Farley: “I’d like to nominate for the Construction Board of Adjustment and Appeals, Mr. Anthony Austin.”

Chairman Daniel Davis: “Ok, any others?”

Council Member Cathy Davis: “Mr. Chairman?”

Chairman Daniel Davis: “Ms. Davis.”

Council Member Cathy Davis: “I’d like to nominate Tim Callanan for COG.”

Chairman Daniel Davis: “Ok; any others?”

There were no other recommendations for nominations.

It was moved by Council Member Fish and seconded by Council Member Call to approve the appointment of Anthony Austin to the Construction Board of Adjustments and Appeals, and the re-appointment of Timothy Callanan to the Council of Governments. The motion passed by unanimous voice vote of Council.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The March 2011 Regular Meeting of Berkeley County Council will be held on Monday, March 28, 2011, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT

It was moved by Council Member Call and seconded by Council Member Pinckney to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 9:10 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION – none

S/Barbara B. Austin, CCC
Clerk of Council

March 28, 2011
Date Approved